

BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS met in the Henry County Courthouse Circuit Courtroom, on Wednesday, March 13, 2013, at 6:00 P.M., with the following members present: Ed Yanos, Kim L. Cronk, William D. Cronk, Patricia A. French, Auditor, Scott Hayes and Joel Harvey, County Attorneys.

Ed Yanos called the meeting to order with the Pledge to the Flag, followed with silent prayer.

A motion was made by Mr. William Cronk and seconded by Mr. Kim Cronk to approve the payroll as presented. Motion carried 3-0.

A motion was made by Mr. Kim Cronk and seconded by Mr. William Cronk to approve the claims as presented. Motion carried 3-0.

A motion was made by Mr. William Cronk and seconded by Mr. Kim Cronk to accept monthly reports as presented: Building Commission, Clerk, Planning Commission, Intech, Certificate of Liability Insurance for Tyler Technologies, Inc., Food & Beverage Bonds Series 2004 from First Merchants Bank, IDEM Notice of Decision for Henry County Memorial Hospital Approval on Minor Source Operating Permit Renewal of Air Quality and Indiana Criminal Justice Institute Letter on Aries & Drug Free Community Fund. Motion carried 3-0.

Jerry Hinessey, representing Amco Elevator and Wayne Purdue, from Madden Elevator, presented their elevator maintenance proposals for approval. A motion was made by Mr. Kim Cronk and seconded by Mr. William Cronk to table a decision regarding approval until further study. Motion carried 3-0.

Steve Rust, County Surveyor, presented Ordinance #2013-2 (03-13) for approval. The ordinance was to establish regulations and guidelines for utility work on regulated drain easements for Henry County. A motion was made by Mr. Kim Cronk and seconded by Mr. William Cronk to approve the ordinance upon legal review. Motion carried 3-0.

ORDINANCE NO. 2013-2 (03-13)

UTILITY WORK IN REGULATED DRAIN EASEMENT

WHEREAS, the Henry County Surveyor's Office has established the following regulations and guidelines for utility work in regulated drain easements all of which are in the County of Henry, State of Indiana.

The following will be required to conduct such utility work within the jurisdiction of Henry County.

- Topographic profile along the utility route within the drain easement.
- Show open channel flow lines and original channel bottom grades (use tile probe to determine original bottom grade).
- Existing tile elevations (prefer both top and bottom of tile elevations-excavations may be needed to determine these).
- Vertical separation: 2) Open channel – Top of utility piping to be three (3) feet below original channel bottom (not present silted flow lines); and b) Tile-Nearest edge of the utility piping to be two (2) feet minimum above or below nearest edge of tile.
- Horizontal separation: 2) Open channel – When parallel with channel, utility piping to be 25 feet back from the top of bank; b) Tile – When parallel with tile, utility piping to maintain fifteen (15) feet between nearest edge of tile and utility piping.
- Boring should be 12 inches or more below any existing buried legal tile and subject to visual inspection by the surveyor's office.
- At regulated and private tile drain crossings, use granular backfill (#8 stone – preferred; **(NO FOUNDRY SAND ALLOWED)**) AROUND EXISTING TILE. Compact said granular backfill in a manner to support the existing tile alignment. (Additional support may be needed above the tile/piping). Secure the joints at each side of the utility trench wall. If needed, use geo-textile fabric around the joints.
- All contractors shall be bonded for performance and maintenance repairs in the amount of no less than \$10,000.00 and shall provide the county with copy of same prior to beginning of construction.
- All fees will be pre paid prior to the beginning of construction.
- Warranty will be for a 3 year period, following the completion of work and the contractor agrees to be responsible for any repairs or problems caused by the utility work.
- **In all cases**, approval by the Henry County Surveyor and the Henry County Drainage Board are required. The Surveyor sets design standards, reviews plans submitted, and conducts field investigations for

compliance (IC 36-9-27-29) See also, IC 36-9-27-48). The Board grants permission to place permanent structures within the regulated drain easement (IC 36-9-27-33(d)).

- Variations from these standards may be granted for **good** cause by the Surveyor.
- Any application fee, regulated drain fee and/or utility work fee will be a one time per occurrence fee and will be deposited in the drain maintenance fund. Exhibit A exemplifies fee charges.

All plans will be filed with the Henry County Surveyor and at the Surveyor's discretion, the Surveyor's Office will schedule the request with the Drainage Board or Board of Commissioners for the Contractor to explain the project.

Drainage Board Fees per Ordinance No. 2013-2(03-13)

Maintenance Application Fee:	\$75.00	
Regulated Drains:		1) Reduction in regulated drain easement
\$2,500.00 per lot or parcel		
2) Regulated drain encroachment	\$25.00/foot (minimum \$250.00)	
3) Variance to reduce from required 8: piping to smaller size or daylight	\$250.00	
4) Removal of Obstruction in Mutual Drain		
Utility Work:		
a) Regulated drain crossing permit	\$250.00 per crossing	
b) Regulated drain encroachment permit	\$25.00/foot (minimum \$250.00)	

Mr. Rust presented 14 different County Utility Agreements for approval between AT&T and the County. Mr. William Cronk motioned to approve the Utility Agreements as presented, but then withdrew his motion. A motion was made by Mr. Kim Cronk and seconded by Mr. Ed Yanos to table the approval until Ordinance #2013-2 (03-13) is advertised and "fully" adopted. Motion carried 3-0.

A motion was made by Mr. William Cronk and seconded by Mr. Kim Cronk to grant permission for Safe At Home to place their pinwheels with signs and stakes around the Courthouse Square in April for Child Abuse Prevention Month. Motion carried 3-0.

A motion was made by Mr. Kim Cronk and seconded by Mr. William Cronk to approve a proposal from Peine Engineering, to remove and replace a blower motor, motor bracket and run capacitor on FBP#21 for Circuit Court III at a cost of \$904. Motion carried 3-0.

A motion was made by Mr. William Cronk and seconded by Mr. Kim Cronk to approve the 2011 Emergency Management Performance Grant EDS # C44P-2-340A, Amendment #1. Motion carried 3-0.

A motion was made by Mr. William Cronk and seconded by Mr. Kim Cronk to approve the Uniform Conflict of Interest Ethics Disclosure Statement for Ron Huffman, Emergency Management Director. The disclosure statement was necessary to allow the IDHS to reimburse the county \$7,999.94, which was 50% of Mr. Huffman's salary in 2011. Motion carried 3-0.

Corey Murphy, EDC Director, introduced Jim Walton from Brand Acceleration. Mr. Murphy was asking permission to hire Mr. Walton's firm to handle the marketing for future Henry County business. Mr. Walton stated as part of their marketing campaign they would begin with a quarterly e-mailer, which could reach approximately 2800 businesses. Their on-site banner ads would be very targeted and specific. A motion was made by Mr. Kim Cronk and seconded by Mr. William Cronk to approve the selection of Brand Acceleration for marketing Henry County. Motion carried 3-0.

A motion was made by Mr. William Cronk and seconded by Mr. Kim Cronk to approve the appointment of Beverly Glascock to the Henry County Cemetery Commission, replacing Mike Burch. Motion carried 3-0.

Clayton Lewis, local realtor, approached the Commissioners on behalf of his son, John Lewis, concerning purchasing some land which the County owns. The land, approximately .88 had been in tax sales and never sold, so was deeded to the County. After discussion, the Commissioners referred the request to the county attorneys for review.

Mr. Kim Cronk informed the public Nordex was still interested in Henry County for their windmills. A meeting had been held March 12, 2013 to discuss various issues concerning the issue. Mr. Cronk felt it would be beneficial to conduct a public meeting regarding the windmills, to answer any questions the public may have. A motion was made by Mr. Kim Cronk and seconded by Mr. Yanos to hold a public meeting on March 21, 2013, beginning at 6:00 P.M., in the Courthouse Circuit Courtroom. Motion carried 3-0.

Olene Veach, commended the Commissioners on a decision they made one year ago to not allow Cedarbridge to lease the Youth Center. In her research she had found numerous financial problems the company is experiencing.

A motion was made by Mr. Kim Cronk and seconded by Mr. William Cronk to recess the meeting until the public meeting March 21, 2013. Motion carried 3-0.

Ed Yanos, President

Kim L. Cronk, Vice President

William D. Cronk

ATTESTED BY: _____
Patricia A. French, Henry County Auditor